

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

THOMAS COLE,)	
Plaintiff,)	
v.)	Civil Action No. 2:18-cv-220
)	
FOXMAR, INC. d/b/a EDUCATION)	
AND TRAINING RESOURCES,)	
Defendant.)	

**PLAINTIFF’S OPPOSITION TO DEFENDANT’S MOTION IN LIMINE TO ADMIT
EVIDENCE RELATING TO STATE SICK LEAVE LAWS**

NOW COMES Plaintiff Thomas Cole (“Plaintiff”), by and through his attorney, William Pettersen, Esq., and hereby submits his Opposition to Defendant Foxmar, Inc. d/b/a Education and Training Resources’ (“Defendant’s”) Motion in Limine to Admit Evidence Relating to State Sick Leave Laws (“Motion”).

In its Motion, Defendant seeks to admit as evidence charts purportedly summarizing the laws of all fifty states regarding sick leave. For the following reasons, Plaintiff opposes the admission of these charts.

First, these charts were not disclosed in discovery. Instead, Defendant attached them to the Motion at issue just 14 days before trial. Plaintiff’s counsel has not had the opportunity to fully review the exhibits, nor to ascertain their veracity.

Second, the charts lack relevance. The fact some states may have different sick leave laws is irrelevant because Defendant’s sick leave policy violated Vermont law. The laws of Vermont are no less important as a result of some other states possibly not having the same law.

Third, Defendant cites no case law supporting the admission of charts summarizing the laws of other jurisdictions as evidence. While there may perhaps exist some instances of admission, undersigned counsel could not find any after researching the issue. It would seem

1 unlikely for such evidence to be admissible given the lack of relevance and the risk for prejudice
2 and inefficiency.

3 Fourth, the charts would risk confusion to the jury and waste time at trial as they are not
4 easily comprehensible.

5 For each of these reasons, Plaintiff respectfully requests that the Court DENY
6 Defendant's Motion in Limine to Admit Evidence Relating to State Sick Leave Laws.

7 Respectfully submitted this 10th day of December, 2022.

8 THOMAS COLE

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